

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**Clerk's Minutes  
Before the Honorable Judith C. Herrera**

USA vs. **Dana Jarvis, et al.** Case No. **05-1849 JH**

Date: February 13, 2007

Courtroom Clerk: **Lincoln Sorrell** Court Reporter: **Paul Baca**

Court in Session: **2:08 a.m.** Court in Recess: **2:32 p.m.**

Type of Proceeding: **Status Conference**

Court's Rulings/Disposition: **Case stayed as to Dana Jarvis only; Motion to continue by David Reid granted and continuance extends to all defendants. All current hearings and trial date vacated.**

Order Consistent with Court's Ruling to be Prepared by: **Jody Neal-Post and James Braun**

Deadline for Submission of Order to Court: **February 20, 2007**

Attorney(s) Present for Plaintiff(s):  
James Braun

Attorney(s) Present for Defendant(s):  
1. Jody Neal-Post (for Dana Jarvis, present)  
2. John Robbenhaar (for Ayla Jarvis, present)  
3. Stephen Aarons (for Matthew Hotthan, present)  
4. Charles Aspinwall (for John Patricio Nieto, present)  
5. Walter Nash, Bill Parnall (for David Reid, appearance waived)  
6. Kari Converse (for Greg Hill, appearance waived)  
7. Robert Gorence (for Dennis Wilson, appearance waived)  
8. Todd Hotchkiss (for Dakota Fitzner and standing in for Roberto Albertorio/Lloyd Montoya, appearances of both defendants waived)  
9. John Samore (for Melania Kirwin, appearance waived)

Proceedings:

Court in  
Session:

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**\*time\*a.m./p.  
m.:**

**2:08 p.m.** Attorney appearances; Reid's presence waived; Hill's presence waived; Wilson's presence waived; Nieto present; Kirwin's presence waived; Fitzner's presence waived. Dana Jarvis, Ayla Jarvis, Matthew Hotthan present (in custody).

**2:11 p.m.** Court: We want to know from other attorneys as to trial setting and their position on the motion to stay.

**2:12 p.m.** Mr. Braun states his position; appeal may be done by July. So long as no defendant s are defendants, case stayed to all defendants

**2:13 p.m.** Robbenhaar: number of joint motions.  
  
Nash: would like to vacate trial date and motions hearing; would like to set status conference after appeal resolved. Reid joins in stay and would like continuance on separate grounds.

Aspinwall: Ready for trial but would not be prejudiced by continuance.

Gorence: Wilson joins in stay; if appellate court not done by July, would like leave to file a severance; might implicate speedy trial.

Aarons: No position; Samore: no position; Hotchkiss: joins in motion to stay. Converse: joins in motion to stay and should vacate deadlines.

Aarons: Don't object to Reid's motion to continue

Samore: Don't object to Reid's motion to continue.

Court: will grant motion for stay and motion for continue.

**2:21 p.m.** Court: motions filed not specific to Dana Jarvis? What is your position. Ex. Ayla jarvis motion to suppress? Robbenhaar: Could go forward but would prefer to wait until resolution of appeal. Nash: search motion don't involve Reid. Common motions should be stayed with rest of issues. Neal-Post: Jarvis no joint motions. Motions may be a nullity. Proceedings have gone forward.

**2:27 pm.** Mr. Braun responds; appeal only pertains to Dana Jarvis and just to that issue. Government not responded to Dana's motion to suppress; would like to not file a response. Court: that's appropriate. No objection from Jody Neal-Post.

**2:29 p.m.** Neal-Post tenders form of order as to stay of Dana jarvis only; Government objects. Court gives parties a week to tender new proposed order.

**2:30 p.m.** Braun: if Dana wins on appeal selling property could take time so why don't we look for buyer and lawyers in the interim?

**2:32 p.m.** Neal-Post: Dana has no prospects as of now. Court: once appeals court decides, we will get this case going. Court in recess.

